

### REMARKS

Applicant respectfully requests reconsideration of this application. Claims 1-26 were rejected. Claims 1-26 are pending. Claim 1 has been amended without introducing any new matter. No claims have been canceled or added.

#### **Rejections Under 35 U.S.C. § 112**

Claims 1-8 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Office Action indicated that the WSM does not appear to be capable of performing the determination if the second optical signal corresponds to the first optical signal (Office Action, p. 2, last paragraph). Accordingly, Applicant has amended claim 1 to recite:

the optical transceiver putting an identification into the first optical signal to send with the first optical signal to the WSM to allow *a processor communicably coupled to* the WSM to determine if the second optical signal corresponds to the first optical signal.  
(Claim 1 as amended; emphasis added)

It is respectfully submitted that the amendment has overcome the rejection.  
Withdrawal of the rejection is respectfully requested.

### Rejections Under 35 U.S.C. § 102(e)

Claims 23-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,151,893 B2, of Hayashi et al. (“Hayashi”). Applicant respectfully traverses the rejection. Note that Applicant reserves the right to swear behind Hayashi.

Claim 23 sets forth:

in response to the WSM receiving the first optical signal, *causing a processor to look up a wavelength designated to the channel;*  
(Claim 23; emphasis added)

In contrast, Hayashi fails to disclose at least the above limitation. According to Hayashi, photodiodes are disposed on the input and output ports of an optical crossconnector 120. Each output from the photodiodes 140 and 142 is applied to a controller 122. With this configuration, the controller 122 can *monitor* the data signal lights and the monitor control lights input/output to/from the optical crossconnector 120. (Hayashi, col. 9, ln. 22 – col. 10, ln. 5) Note that Hayashi merely generally alludes to the controller 122 being able to monitor the data signal lights and the monitor control lights. Hayashi does not specifically disclose that the controller 122 (which was analogized to be the processor as claimed) is caused to *look up a wavelength designated to a channel*. Therefore, Hayashi fails to disclose every limitation of claim 23. For at least this reason, Hayashi fails to anticipate claim 23. Withdrawal of the rejection is respectfully requested.

Claims 24-25 depend from claim 23, and thus, are not anticipated by Hayashi. Withdrawal of the rejection is respectfully requested.

### Rejections Under 35 U.S.C. § 103(a)

Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of U.S. Patent No. 7,035,537 B2, of Wang et al. (“Wang”). Applicant respectfully traverses the rejection. Claim 26 sets forth:

... wavelengths handled by each of said plurality of WSMs are *tracked in configuration information of a corresponding WSM* ...  
(Claim 26; emphasis added)

In contrast, neither Hayashi nor Wang, alone or in combination, teaches the above limitation. The Office Action admitted that Hayashi fails to teach wavelengths handled by each of said plurality of WSMs are *tracked in configuration information of a corresponding WSM* (Office Action, p. 5, first paragraph). Furthermore, Wang also fails to teach the above limitation. Wang merely discloses a fiberoptic switch having demultiplexers, tunable channel cards, a switch fabric formed by switch modules, combiners, and a control unit (Wang, figure 2; col. 3, ln. 33 – col. 4, ln. 8). Wang does not specifically teach that the wavelengths handled by each of said plurality of WSMs are *tracked in configuration information of a corresponding WSM*. Therefore, neither Hayashi nor Wang, alone or in combination, teaches the above limitation of claim 26. For at least this reason, claim 26 is patentable over Hayashi in view of Wang. Withdrawal of the rejection is respectfully requested.

### Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3-8, 13, 16-18, and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of U.S. Patent No. 5,708,753 A of Frigo et al. (“Frigo”). Applicant respectfully traverses the rejection.

Claim 1 as amended sets forth:

the optical transceiver *putting an identification into the first optical signal* to send with the first optical signal to the WSM to allow a processor communicably coupled to the WSM to determine if the second optical signal corresponds to the first optical signal.

(Claim 1 as amended; emphasis added)

In contrast, neither Wang nor Frigo, alone or in combination, teaches the above limitation. The Office Action admitted that Wang fails to teach the above limitation (Office Action, p. 6, 4<sup>th</sup> para.). Furthermore, Frigo also fails to teach the above limitation. According to Frigo, each *optical-network unit (ONU)* is given a unique identifier (ID) (Frigo, col. 2, ln. 48-50). Frigo does not teach putting an identification into an *optical signal*. Giving a unique identification to an optical-network unit is substantially different from putting an identification into an optical signal. Therefore, Frigo also fails to teach the above limitation. Because neither Wang nor Frigo, alone or in combination, teaches all limitation of claim 1, claim 1 is patentable over Wang in view of Frigo. Withdrawal of the rejection is respectfully requested.

Claims 13 and 18 are patentable over Wang in view of Frigo for at least the reason discussed above with respect to claim 1. Claims 3-8, 16-17, and 21-22 depend, directly or indirectly, from claims 1, 13, and 18, respectively. Thus, claims 3-8, 16-17, and 21-22 are patentable over Wang in view of Frigo. Withdrawal of the rejection is respectfully requested.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 15 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of Frigo, as applied to claims 13 and 18 above, and further in view of U.S.

Patent No, 6,504,969 B1 of Tsao et al. ("Tsao"). Applicant respectfully traverses the rejection. Claims 15 and 20 depend from claims 13 and 18, respectively, and thus, include all limitations set forth in claims 13 and 18, respectively. For the reason discussed above with respect to claim 1, neither Wang nor Frigo, alone or in combination, teaches putting an identification into an *optical signal*. Furthermore, Tsao also fails to teach such a limitation. Tsao merely discloses an optical encoder (Tsao, abstract). Tsao does not specifically teach putting an identification into an optical signal. Since none of Wang, Frigo, and Tsao, alone or in combination, teaches the limitation set forth above, claims 15 and 20 are patentable over Wang in view of Frigo and Tsao. Withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 2, 14, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of Frigo, as applied to claims 1, 13, and 18 above, and further in view of U.S. Patent No. 7,076,163 B2 of Kinoshita et al. ("Kinoshita"). Applicant respectfully traverses the rejection. Claims 2, 14, and 19 depend from claims 1, 13, and 18, respectively, and thus, include all limitations set forth in claims 1, 13, and 18, respectively. For the reason discussed above with respect to claim 1, neither Wang nor Frigo, alone or in combination, teaches putting an identification into an *optical signal*. Furthermore, Kinoshita also fails to teach such a limitation. Kinoshita merely discloses the use of combining amplifiers as combining elements (Kinoshita, col. 13, ln. 15-21). Kinoshita does not specifically teach putting an identification into an optical signal. Since none of Wang, Frigo, and Kinoshita, alone or in

combination, teaches the limitation set forth above, claims 2, 14, and 19 are patentable over Wang in view of Frigo and Kinoshita. Withdrawal of the rejection is respectfully requested.

**CONCLUSION**

Applicant respectfully submits that the rejections have been overcome by the amendments and the remarks, and that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the pending claims be allowed.


To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. If any other petition is necessary for consideration of this paper, it is hereby so petitioned.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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